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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,326	07/31/2001	Robert W. Torres	41250/WPC/P526	3726

23363 7590 09/09/2003

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EXAMINER

LUGO, CARLOS

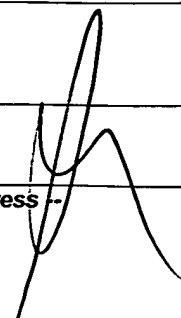
ART UNIT

PAPER NUMBER

3677

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,326	TORRES ET AL.	
	Examiner	Art Unit	
	Carlos Lugo	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-4, 6 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on See Office Action is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's request for continued examination filed on August 21, 2003.

Drawings

2. The drawings filed on July 31, 2001 and in February 7, 2003 (substitute drawings with corrections) are approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5 and 7-11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,792,416 to Moulin in view of US Pat No 3,077,572 to Zimmerman.

Regarding claims 5,8 and 9, Moulin discloses a device for sealing a cavity that comprises an interior surface. The device comprises a sleeve (150) having a skirt (formed when the sleeve is inserted inside the interior surface, Figure 2a).

The skirt includes a first section extending in a plane, which is substantially perpendicular to the longitudinal axis of the sleeve, and a second section comprising an interior and a sealing surface. A gap will be formed between the interior surface and the sleeve (Figure 2a). The sleeve and the skirt are made of an elastomeric material.

However, Moulin fails to disclose that the sleeve has the skirt before the insertion of the sleeve into the interior surface of the cavity. Moulin discloses that the sleeve will have a skirt having a sealing surface substantially the same shape as the interior surface of the cavity when the sleeve is inserted into the interior surface of the cavity. When it is inserted, the flange will deform only a small amount to form a seal between the sealing surface and the interior surface of the cavity.

Zimmerman teaches that is known in the art to have a sleeve (20) with a formed skirt (22) before the insertion of the sleeve into the interior surface of the cavity.

As to the fact that the skirt is molded or not, applicant is reminded that the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made a skirt, as taught by Zimmerman, into a sealing device as described by Moulin, in order to make a better sealing between the inside surface of the cavity and the sealing surface and to prevent lost in the sealing contact because of excessive wrinkled.

As to claims 7 and 10, Moulin discloses that the sleeve includes a wiping land (174).

As to claim 11, Moulin discloses that the wiping land cleans a portion of the interior surface of the cavity (Col. 9 Lines 13-16).

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
Art Unit 3677

September 2, 2003.


ROBERT J. SANDY
PRIMARY EXAMINER